

Chief Judge Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 HENRY ROSENAU,)
)
 Defendant.)

NO. CR06-157MJP

NOTICE OF INTENT TO OFFER
DOMESTIC AND FOREIGN
RECORDS UNDER FEDERAL
RULE OF EVIDENCE 902 AND
TITLE 18, UNITED STATES CODE,
SECTION 3505

COMES NOW the United States of America, by and through Jenny A. Durkan, United States Attorney for the Western District of Washington, and Marc A. Perez and Susan M. Roe, Assistant United States Attorneys for said District, and files this Notice of Intent to Offer as evidence certain Business, Government and Foreign Records pursuant to Federal Rule of Evidence 902 and Title 18, United States Code, Section 3505.

Rule 902 of the Federal Rules of Evidence, styled **Self-Authentication**, sets forth several categories of documents which may be admitted without testimony from a documents custodian provided that certain prerequisites are met. Under Rule 902, “[e]xtrinsic evidence of authenticity as a condition precedent to admissibility is not required with respect to the following: . . . (4) Certified Copies of Public Records[;] (11) Certified Domestic Records of

1 Regularly Conducted Activity[; and] (12) Certified Foreign Records of Regularly Conducted
2 Activities.¹

3 Similarly, Title 18, United States Code, Section 3505, entitled **Foreign records of**
4 **regularly conducted activity**, is a rule of inclusion that allows admission in criminal cases
5 of a wide variety of documents, reports, data and records of foreign entities when certified by
6 a records custodian or other qualified person.

7 Below is a list of records that the government intends to offer at trial pursuant to Rule
8 902 of the Federal Rules of Evidence or Title 18, United States Code, Section 3505.

9 **TECS records from United States Government** **Exhibit** **Bates Nos.**

10 Whelpley 16 2776-77

11 Rosenau 17 2773-74

12 Senecal 19 2769-71

13 Mendoza 20 2779-83

14 Swanson 21 2785

15 B. Miraback 22 2787

16 Z. Miraback 23 2789

17 BC Plated vehicle HSK-744 18 1823

18 Haugen 103 2791

19 **Records from Canada received pursuant to MLAT**

20 CBSA Border Crossing Records 26 2640-2645

21 **Transport Canada Records** 89 2552-2607

22 **Private Business Records**

23 Enterprise Car Rental Agency Records (Whelpley) 12 1559-1567

24 Choice Auto Records 14 364-370

25 Enterprise Car Rental Agency Records (Senecal) 30 1551-1558

26
27 ¹ Although Rule 902(12) addresses only a civil case, the rule is applicable in a criminal
28 case via Federal Rule of Criminal Procedure 27. Under that rule, [a] party may prove an official
record, an entry in such a record, or the lack of a record or entry in the same manner as in a
civil action. Fed. R. Crim. P. 27; see also 18 U.S.C. § 3505.

Government Records

Washington State DOL	4	2837-2839
Washington State DOL Registration	13	1560-1567
Washington State DOL Registration	15	1792-1815
Washington State Patrol Records re: Whelpley/Senecal	25	1568-1579

DATED this 10th day of April, 2012.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on 4/11/12, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the defendant(s). I hereby certify that I have served the attorney(s) of record for the defendant(s) that are non CM/ECF participants via telefax.

/s/ Rachel McDowell

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